

AMENDED IN SENATE JUNE 23, 2003
AMENDED IN ASSEMBLY MAY 22, 2003
AMENDED IN ASSEMBLY APRIL 22, 2003
AMENDED IN ASSEMBLY MARCH 25, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1287

Introduced by Assembly Member Lieber

February 21, 2003

An act to amend Section 798.71 of, and *to* add Section 798.74.5 to, the Civil Code, relating to mobilehomes.

LEGISLATIVE COUNSEL'S DIGEST

AB 1287, as amended, Lieber. Mobilehome parks: information for prospective tenants.

Existing law, the Mobilehome Residency Law, governs tenancies and residency in mobilehome parks. Among other things, the law authorizes the management to require the right of prior approval of a purchaser of a mobilehome that will remain in the park.

This bill would, beginning ~~July~~ *October* 1, 2004, require the park management to provide prospective homeowners with a separate document containing specified information about tenancy in a mobilehome park. This bill would also specify that management may require ~~in the park rules and regulations~~ that a homeowner advise management in writing that his or her mobilehome is for sale.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 798.71 of the Civil Code is amended to read:

798.71. (a) (1) The management may not show or list for sale a manufactured home or mobilehome without first obtaining the owner's written authorization. The authorization shall specify the terms and conditions regarding the showing or listing.

(2) Management may require ~~in the park rules and regulations~~ that a homeowner advise management in writing that his or her mobilehome is for sale.

(b) The management shall prohibit neither the listing nor the sale of a manufactured home or mobilehome within the park by the homeowner, an heir, joint tenant, or personal representative of the estate who gains ownership of a mobilehome in the mobilehome park through the death of the owner of the mobilehome who was a homeowner at the time of his or her death, or the agent of any such person other than the management, nor require the selling homeowner, or an heir, joint tenant, or personal representative of the estate who gains ownership of a mobilehome in the mobilehome park through the death of the owner of the mobilehome who was a homeowner at the time of his or her death, to authorize the management to act as the agent in the sale of a manufactured home or mobilehome as a condition of management's approval of the buyer or prospective homeowner for residency in the park.

(c) Nothing in this section shall be construed as affecting the provisions of the Health and Safety Code governing the licensing of manufactured home or mobilehome salespersons or dealers.

SEC. 2. Section 798.74.5 is added to the Civil Code, to read:

798.74.5. (a) When the park management gives a prospective homeowner an application for residency for a specific space within a mobilehome park which the management has been advised is for sale, the park management shall give the prospective homeowner a separate document in at least 12-point type entitled "INFORMATION FOR PROSPECTIVE HOMEOWNERS," which includes the following statements:

"As a prospective homeowner you are being provided with certain information you should know prior to applying for tenancy in a

mobilehome park. This is not meant to be a complete list of information.

~~Homeownership~~ *Owning a home* in a mobilehome park incorporates the dual role of “homeowner” (the owner of the home) and park resident or tenant—~~called~~ *(also called a “homeowner” under in the Mobilehome Residency Law)*. As a homeowner under the Mobilehome Residency Law, you will be responsible for paying the amount necessary to rent the space for your home, in addition to other fees and charges described below. You must also follow certain rules and regulations to reside in the park.

If you are approved for tenancy, and your tenancy commences within the next 30 days, your beginning monthly rent will be \$_____ (must be completed by the management) for space number _____ (must be completed by the management). Additional information regarding future rent or fee increases may also be provided.

In addition to the monthly rent, you will be obligated to pay to the park the following additional fees and charges listed ~~below, and other below.~~ *Other fees or charges may apply depending upon your specific requests. Metered utility charges are based on use.*

(Management shall describe the fee or charge and a goodfaith estimate of each fee or charge.)

Some spaces are governed by an ordinance, rule, regulation, or initiative measure that limits or restricts rents in mobilehome parks. Long-term leases specify rent increases during the term of the lease. By signing a rental agreement or lease for a term of more than one year, you may be removing your rental space from a local rent control ordinance during the term, or any extension, of the lease if a local rent control ordinance is in effect for the area in which the space is located.

1 A fully executed lease or rental agreement, or a statement signed
2 by the park's management and by you stating that you and the
3 management have agreed to the terms and conditions of a rental
4 agreement, is required to complete the sale or escrow process of
5 the home. You have no rights to tenancy without a properly
6 executed lease or agreement or that statement. (Civil Code Section
7 798.75)

8
9 If the management collects a fee or charge from you in order to
10 obtain a financial report or credit rating, the full amount of the fee
11 or charge will be either credited toward your first month's rent or,
12 if you are rejected for any reason, refunded to you. However, if you
13 are approved by management, but, for whatever reason, you elect
14 not to purchase the mobilehome, the management may retain the
15 fee to defray its administrative costs. (Civil Code Section 798.74)

16
17 We encourage you to request from management a copy of the lease
18 or rental agreement, the park's rules and ~~regulation~~ regulations,
19 and a copy of the Mobilehome Residency Law. Upon request, park
20 management will provide you a copy of each document. We urge
21 you to read these documents before making the decision that you
22 want to become a mobilehome park resident.

23
24 Dated: _____

25 Signature of Park Manager: _____

26 Acknowledge Receipt by Prospective Homeowner: _____”

27
28 (b) This section shall ~~take effect on July~~ *become operative on*
29 *October 1, 2004.*

